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PATENT 8/13/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:

BENTON ET AL.

SERIAL NO.: 09/536,137

FILED: MARCH 28, 2000



CASE NO.: FA0881 US NA

GROUP ART UNIT: 2171

EXAMINER: C. NGUYEN

COPY OF PAPERS
ORIGINALLY FILED

FOR: COLOR MATCHING METHOD FOR
AUTOMOTIVE REFINISHING

RESPONSE

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

This is Applicants' response to the Office Action dated March 5, 2002 in the above-referenced application.

REMARKS

Applicants have carefully reviewed the Office Action dated March 5, 2002, and respectfully request reconsideration in view of the following remarks. A separate petition and fee for the required two-month extension of time are provided.

Claim Rejections

Claims 1-13 are currently pending. Claims 1-13 stand rejected under 35 U.S.C. 102(e) as anticipated by Corrigan et al (US Pat. Appl. 2001/0041966). Applicants respectfully disagree with the examiner's position, since there are a number of fundamental differences between Applicants' invention and the cited art.

Corrigan et al., like the present invention, disclose a method for matching the original paint color on a vehicle being repaired at a typical body shop and determining the best match paint formulation for the vehicle in question. However, the method described in Corrigan et al. requires the body shop to first take physical color measurements of an unaffected portion of the vehicle's paint and then input both the physical color readings (taken from the original paint) and the vehicle's individual VIN information into the computer. The method then simultaneously utilizes, on a weighted basis, both sets of information to determine the best color match paint formulation for the vehicle being repaired. (See page 3, paragraphs #0023 through 0024).